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THE South-Carolina Gazette.

Containing the freſheſt Advices Foreign and Domeſtick

From **Saturday**, JUNE 9, to **Saturday**, JUNE 16, 1733.

Some REMARKS *on Mr.* Lloyd's SPEECH, *and the* RESOLVES *of the* Lower Houſe *thereupon.*

THE Chief Juſtice having lately ſeen a Speech of Mr. *John Lloyd*'s in the Lower Houſe of Aſſembly, highly reflecting on his Character and Conduct, and publiſh'd in the *Gaz.* by Order of that Houſe; together with their *Reſolutions*, founded on that eloquent and learned Speech; can't but obſerve, that it was made in Imitation of the Hon. Mr. *Yonge*'s in the Upper Houſe, and in moſt Reſpects (except the falſe and malicious Aſperſions on the C. Juſtice therein contained) adequate thereto; and had the ſame Effect to influence the Auditory, ſo far as to make the like groundleſs *Reſolutions*.

The Speech Makers having cited almoſt the ſame Caſes, form the ſame Concluſions from miſtaken Premiſes; which if rightly conſider'd, make intirely againſt them. Therefore he is of Opinion, that neither of them underſtood the Caſes they cited, for it can't be ſuppoſed, that ſuch Patriots would offer to impoſe what was not Law nor Fact, upon their Auditories and Fellow Subjects.

However, in obſervance of this Speech are the groundleſs, unjuſt, (and to uſe the Author's own Language) malicious *Reſolves* of that Houſe made thereon. But as the *Speech*, and *Reſolves* are in all material points already anſwered by the C. Juſtice, the reſt conſiſting of falſe & invidious Aſperſions, will always carry with it, Self-conviction to all honeſt and impartial Readers; whoſe Penetration will not ſuffer them to be led away by ſo trifling and ſenſeleſs a Declamation. So its needleſs to give any other Anſwer thereto, than to apply the following Verſe in *Virgil*, to the Proceedings of that judicious and clear ſighted Aſſembly.

Monſtrum horrendum, informe, ingens, cui lumen ademptum.

The C. Juſtice muſt likewiſe take notice, that in a ſubſequent *Gazette*, there is publiſh'd an Anſwer of the Lower Houſe to his Excellency's Meſſage ſent them in perſuance of his Majeſty's Inſtructions, in relation to his Salary; and their Reaſons for refuſing to comply therewith; which, as they particularly relate to the Chief Juſtice, he is obliged to make ſome Remarks thereon.

And firſt obſerves, what Effect it had with that Loyal Aſſembly: The Meſſage, inſtead of making them any ways ſenſible of their Duty, gave them freſh Occaſion to repeat their falſe and malicious Invectives againſt the C. Juſtice, for what he ſaid in the Upper Houſe; and thereby to inſult and abuſe his Excellency, and his Majeſty's Council, in a very unuſual Manner. Endeavouring, by ſly, tho' falſe, Inſinuations, to make the World believe, that they concurr'd with them in their unwarrantable Proceedings and invidious Aſperſions on the Conduct and Character of the C. Juſtice; and by ſuch Artifices to father their evil and ſeditious Practices on the Upper Houſe: But this Contrivance is too palpable not to be ſeen thro', eſpecially when by their arbitrary Proceedings and unwarrantable *Reſolves*, it plainly appears; that the ſame turbulent and reſtleſs Spirit is in them, that was in the *pretended Parliament* of *England*, in the Year 1649. when they voted the *Houſe of Lords uſeleſs and dangerous*, and afterwards, that *Monarchy ought to be aboliſh'd, as unneceſſary, burthenſome and dangerous*; which its manifeſt would have been the Caſe of his Excellency and Council, had their Power been equal to their Inclination. But God be thank'd, that his Majeſty's Authority and Government is not yet reduced to ſo low an Ebb, as to be controll'd or overſet by a *Carolina* Aſſembly; or that there is the leaſt Reaſon to deſpair of making them ſenſible of their Diſobedience.

He will next conſider their pretended Reaſons for Diſobeying his Majeſty's Commands, by refuſing to comply with his Excellency's Meſſage.

The firſt pretended Reaſon for not complying with his Excellency's Meſſage, in Relation to an Allowance for the C. Juſtice, is for that the C. Juſtice *falſly and ſcandalouſly taxed that Houſe with ſpurning at his Majeſty's Authority.*

In Anſwer to which, the C. Juſtice deſires

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to know what other Interpretation can be put on their *fourth Reſolution*,

Reſolved, *That no Perſon committed by this* Houſe, *for Breach of Privilege, or Contempt of this Houſe, ought to be by any Writ of* Habeas Corpus *made to appear in any other Place, or before any other Judicature, during that Seſſion of* Aſſembly, *wherein ſuch Perſon was ſo committed. That the Meſſenger attending this Houſe, do make no Return, or yield any Obedience to the ſaid Writs of* Habeas Corpus; *and for ſuch his Refuſal, that he have the Protection of this Houſe. And that the* Chief Juſtice *be acquainted with the ſaid* Reſolutions, *to the End, that the ſaid Writs of* Habeas Corpus *may be ſuperſeded, as contrary to Law, and the Privilege of the Houſe.* Gaz. No. 65.

and if their refuſing to obey, or make any Return of his Majeſty's Writ of *Habeas Corpus*, be not at leaſt a ſpurning at his Authority. But perhaps they are of Opinion that he ſpeaks too modeſtly, and ought to charge them not only with a Contempt, but Defiance of his Authority; and not barely with Diſobedience to the Writ, but with open Reſiſtance and Impriſonment of the Perſon that ſerved it; as ordained in the *4th Reſolve* of that loyal Houſe, & this in plain Terms (had Opportunity offered, to put that Ordinance in Execution) had been no leſs than Rebellion: And if that Word ſuits better with them, than ſpurn, they may take it to themſelves, for the Chief Juſtice claims no Share with them.

Secondly, That the C. Juſtice hath ſaid, that *the Reſolutions of the Houſe tend to the Subverſion of the Government, by diſallowing his Majeſty's Prerogative.*

In Anſwer to which its averred, that their firſt *Reſolution* of having a Right to commit, whomſoever they ſhall think deſerves to be committed, is contrary to Law; and a Breach of *Magna Charta*, wherein it is declared that no Freeman ſhall be taken, arreſted, attached, or impriſoned, but by due Proceſs of Law, according to the Law of the Land: So that from thence it appears, that the Lower Houſe hath not the Power they pretend to; and their refuſing to make any Return of his Majeſty's Writs *Habeas Corpus* is actually denying his Prerogative; and a Breach of another Law, and therefore muſt tend to the Subverſion of the Government. And this Charge being plainly proved upon them, can be no Reaſon for their Diſobedience, but the ſtrongeſt Argument of their wicked Intentions.

Thirdly, *That we aſſume to ourſelves a Power to abrogate and make void the Laws of the Land.*

To this Charge its ask'd what can be more evident then that your Houſe endeavoured to make void the Laws, when by your firſt *Reſolve*, beforementioned, you aſſume a Power to commit whom you pleaſe contrary to Law, and refuſe to obey the *Habeas Corpus* Act, made for the Security of the Liberties of the People, againſt ſuch illegal Commitments. And by your *4th Reſolve*, you take upon you to ſuperſeed thoſe Laws, and Command the C. Juſtice to take Notice of your *Reſolves*; if this be not an Attempt to aboliſh and effectually to make void the Laws, what can be ſo? He muſt therefore conclude that you are guilty of this Charge, and appeals to the good People you repreſent, whether you have done them Juſtice or not, when you would arbitrarily deprive them of their Liberties. This therefore can be no better Reaſon for your obſtinate Refuſal to comply with his Majeſty's Commands, than the former.

4thly, For that the C. Juſtice ſigned an Order or Rule of Court to his Officer, to give an Account of the Proceſs of the Court to him directed; which he inſiſts is a Power Incident to the Office of C. Juſtice, and without which, the the Authority of the Court could not ſubſiſt, and that this is agreeable to the Practice of the Court of *Common Pleas*, and needs no Law to ſupport it; yet the Summons Law now in Force in this Province, warrants the ſame; ſo that Reaſon likewiſe muſt fall to the Ground.

[*The Remainder in our next.*]

FOREIGN AFFAIRS.

BERLIN, March 21.

ALL the Regiments have Orders to get ready, to be able to march at a Fortnight's Warning.

Paris, Mar. 28. Orders are ſent to all Officers to repair to their Regiments againſt May 1. All the Founderies are hard at Work in caſting Cannon and Mortars, &c.

Seville, Mar. 6. The Marqueſs de la Paz was ſeized the 2d with a fit of an Apoplexy, but being blooded, was much relieved.

Paris, Mar. 21. 'Tis written from Madrid, that a Deſerter having taken ſhelter in the Dutch Ambaſſador's Palace, who refuſed to deliver him up, a Detachment of the Guards took him away by Force, having killed 3 or 4 Domeſticks. 'Tis ſaid the Catholick King demands Satisfaction.—— We are aſſured a 3d Camp will be formed in Alſace, conſiſting of 20,000 Men.

Bruſſels, Mar. 30. It is written from Paris, that on the 21ſt King Staniſlaus ſent his act of Abdication, by a Gentleman expreſs to Warſaw.

Frankfort, April 2. 'Tis written from Strasbourg of the 29th paſt, that Couriers frequently paſſed by there from Warſaw going to Paris, and that the Preparations for War goes on there, and a Report run that the Troops of France will be augmented.

Dreſden, Mar. 30. Great preparations are making here for the Elector's Journey to Leipſick, whither the Electoreſs will accompa-

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ny him, to receive together the Homage of that City, and the Court on that Occaſion will be very ſplendid; but their Electoral Highneſſes will not return till after Eaſter. The Cabinet Courier, who was ſent to Warſaw, returned the 26th Inſtant, and delivered his Diſpatches to his Electoral Highneſs; but all the Diſpatches which come from Poland are kept ſecret here, and this Courier will be ſent back after Eaſter. A Report runs, that a Project is on Foot to give, after the Emperor's Deceaſe, part of Sileſia to our Elector, and the City of Egra, or Paſſaw, to the Elector of Bavaria; & that theſe two Houſes will approve, afterwards, of the Pragmatick Sanction, without any Exception. That the Emperor will contribute all that is poſſible to advance the Elector of Saxony to the Throne of Poland, of which there now ſeems to be good Hopes.

LONDON, *Feb.* 24.

A Petition is preparing in order to be preſented to the Parliament, praying, that the Broad pieces of Gold of 1 *l.* 5 *s.* 1 *l.* 3 *s.* and the Half Broads, &c. may either be called in, or taken in all payments for Duties.

March 3. on Friday, laſt Week, came on at the Old Baily, the Trial of Sarah Malcomb, for the Murder of Mrs. Duncomb, Eliz. Harriſon, and Anne Price, in the Temple, (*as mentioned in our laſt*) and alſo for breaking open the Chambers of Mrs. Duncomb, and ſtealing ſeveral Things of Value. The firſt Evidence was her Maſter, Mr. Carrol, who gave an Account of his finding ſome Plate and Linnen in a Cloſe-Stool in his Chambers, which ſhe acknowledged to be hers, pretending they were taken out of Pawn; upon which, and hearing of the Murder, he cauſed her to be ſecured. Mrs. Love, who was invited to dine with Mrs. Duncomb on the Sunday, depoſed, that the Plate found was Mrs. Duncomb's. Roger Johnſon, an Apothecary, & ſeveral other Witneſſes were examined, who corroborated the Fact; and after a Trial of about five Hours, the Jury brought her in Guilty.——On Saturday the Seſſions ended at the Old Baily, when ten perſons received Sentence of Death.

Mar. 31. Sir John Gonſon, Knt. is appointed one of the Truſtees for ſettling the new Colony of Georgia, in America: As is alſo Robert Kendall, Eſq; Alderman of Cheap Ward.

April 3. Laſt Night a Meſſenger arriv'd at Whitehall, with an Account of the Death of the Duke of Anjou, ſecond Son of the King of France.

Edinburgh, Mar. 20. Yeſterday began, & this Day continues, the greateſt fall of Snow that has happened in the Memory of Man, in ſo ſhort a time; it is already 3 or 4 Foot thick on the Ground, and in ſome parts much thicker.

Dublin, Mar. 17. On Saturday a Daughter of Mr. Walſh, a Shop-keeper in St. Nicholas Pariſh, ſtanding in the Shop, a Water-Rat, being chaced by a Dog, ran up her Petticoats, and about her Legs: She diſengag'd herſelf from it, and it was killed; but fell into Fits, and died in a ſhort time.——The ſcarcity of Copper Coin in this Kingdom being taken into Conſideration, we hear 11000*l.* are ordered to be coined at the Mint in London.

March 20. There are Letters in Town from the County of Kerry, which give an account that a burning Volcano has broke out in a Mountain fronting the Sea.

CHARLESTOWN, *June* 16.

Saturday laſt, *James Oglethorpe*, Eſq; made a very handſome Speech to the Hon. the Commons Houſe of Aſſembly (*which will be printed, when it comes to Hand*) returning them Thanks for the Encouragement they gave to the ſettling of *Georgia*. They are alſo prorogued to Tueſday the 13th of *Auguſt* next.——Sunday Evening laſt Mr. *Oglethorpe* ſet out for *Georgia*.

Monday laſt, being his Majeſty K. *George* the Second's Acceſſion to the Throne, the ſame was obſerved, as uſual.

On Tueſday arrived Capt. Thompſon, in about nine Weeks from London, having 30 odd Paſſengers on board for *Georgia*.

The ſame Day, was held, a ſpecial Court of Admiralty, for trying of Murder and Piracy on the High Seas, when *Edward Little*, Commander of the Brigt. *Betty's Hope*, was tried for killing *Roger Davis*, his Cabbin Boy, about 14 or 15 Years of Age, by giving him 3 or 4 Strokes on the Head with a Cane, on the Coaſt of *Calabar*, and died 14 or 15 Days after. Three of the Evidences ſwore, that the Boy the next Day complained of a pain in his Head, and told them, the Captain had beat him on the Head with a Drum-Stick, and if he died, he laid his Death to him. They all own'd, the Boy was up 4 or 5 Days, doing his Buſineſs as uſual, ſtill complaining of a pain in his Head; & when he fell ſick, one of them went to ſee him, and ask'd him how he did, who anſwered, he laid his Death to the Captain; the other ſaid, *You muſt forgive the Captain, or how do you expect to be forgiven?* To which he